SB CIVIL MISC. APPEAL NO. 27/1995
(DINESH CHAND v. MOOL CHAND & ORS.)

HON'BLE MR. JUSTICE R.S. CHAUHAN

DATE OF ORDER:

Mr. K.N. Tiwari for the appellant.
Mr. T.P. Sharma for the respondents.

The appellant has challenged the award dated 30.8.94 whereby the Motor Accident Claims Tribunal, Jaipur has awarded a compensation of Rs. 30,000/- for 16.5.% of physical disability.

The brief facts of the case are that on 15.9.90 when the appellant was coming on a scooter alongwith his friend Pawan Kumar, near the Bus Stand a truck, bearing registration No. RNG 576 came from the opposite direction, in rash and negligent manner, and dashed against the scooter. Pawan Kumar died on the spot, whereas the appellant suffered injuries on his hand, on his fingers and on his eyes. According to the disability certificate he suffered 16.5% disability. The appellant filed a claim petition against the truck driver, truck owner and the Insurance Company. In order to prove his case, he examined seven witnesses and submitted twelve documents. After hearing both the parties, the learned Tribunal vide award dated 30.8.94 granted a compensation of only Rs. 30,000/- to the appellant.

Hence this appeal before this Court.

Mr. K.N. Tiwari, learned counsel for the appellant has argued that grant of Rs. 30,000/- is too little for 16.5% of disability suffered by the appellant.

On the other hand Mr. T.P. Sharma, learned counsel for the Insurance Company has supported the award.

We have heard both the learned counsels and have also perused the impugned order.

Under the Motor Vehicle Act, 1988, a reasonable compensation has to be given to the claimant for the injuries suffered by him. There is nothing on record to show that because of the injuries suffered by the appellant, he is unable to perform his normal job. Considering the fact that the accident occurred in 1990 and the award was passed in 1994, a compensation of Rs. 30,000/- for a physical disability of only 16.5% seems to be more than just and reasonable. Therefore, we do not find any force in this appeal. It is, hereby dismissed.

(R.S. CHAUHAN)J.

MRG.